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FISCAL IMPACT STATEMENT

LS 6239

BILL NUMBER: HB 1034

NOTE PREPARED: Apr 7, 2003

BILL AMENDED: Apr 7, 2003

SUBJECT: ADR Pilot Project.

FIRST AUTHOR: Rep. Pond

FIRST SPONSOR: Sen. Long

BILL STATUS: 2nd Reading - 2nd House

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

(A) It permits a county to operate an alternative dispute resolution program for domestic relations cases if the county: (1) uses a plan submitted to the Judicial Conference; and (2) obtains approval by a majority of the judges in the county exercising jurisdiction over domestic relations and paternity cases. It specifies that a county may charge an alternative resolution fee of \$20 to fund alternative resolution programs in the county.

(B) It permits a senior judge to serve as a domestic relations mediator. The senior judge serving as a domestic relations mediator is not entitled to reimbursement or a per diem from the state General Fund and is restricted to compensation from the alternative dispute resolution fund created by this bill.

(C) It prohibits a court from ordering or referring parties into mediation if a party is currently charged with or convicted of certain crimes.

(The introduced version of this bill was approved by the Commission on Courts.)

Effective Date: July 1, 2003.

Explanation of State Expenditures: *Provision B:* Senior judges are individuals who have formerly served as trial court judges in Indiana. They are certified by the Indiana Judicial Nominating Commission and may be appointed if requested by a trial court to assist in a certain number of cases.

Background: A senior judge is entitled to \$50 per diem and reimbursement for mileage and reasonable expenses incurred in performing service as a senior judge, including but not limited to meals and lodging,. Senior judges appointed under this bill would not be eligible for the \$50 per diem. For FY 2001, the Indiana Supreme Court reported that 65 senior judges worked on average 61 days and received \$784,020 for per diem payments and expenses.

Explanation of State Revenues:

Explanation of Local Expenditures: *Provision A:* Allen County Circuit and Superior Courts operated an alternative dispute resolution program for parties involved in marriage dissolutions. The program was originally created in 1997, and its authorization expired on July 1, 2002. Alternative dispute resolution programs use mediation, reconciliation, and parental counseling to assist parties in the dissolution actions to resolve their differences in a more cooperative manner.

This program was funded by a \$20 fee that was added to the filing fee for domestic relations cases. Parties who asked for a waiver of filing fees were given special consideration. Since the program began, the court has collected \$76,360 and has paid \$74,610 for mediation services, facilitator services, consulting services and counseling, and promotional and miscellaneous expenses. This bill would allow the Allen County courts to continue to assess this additional \$20 fee to continue funding this program.

A followup study being submitted to the Indiana Judicial Center concludes that over two-thirds of the cases mediated reached a partial or full settlement. This reduces court time and leads to better control of the court calendar.

Provision B: The added costs would depend on the number of counties that offer alternative dispute resolution in domestic relations cases, the number of senior judges who are appointed by the Indiana Supreme Court, and the number of senior judges who would be willing to undergo training as a mediator.

Explanation of Local Revenues: (Revised) *Provision A* would permit courts to operate an alternative dispute resolution program. If these courts are permitted by the Indiana Judicial Conference to operate an alternative dispute resolution program, the court would be permitted to collect an additional \$20 fee on all filings for legal separation, paternity, or dissolution of marriage action. Implementation of a program could potentially improve movement of cases in the local court systems and reduce delay in the issuance of dissolutions.

State Agencies Affected: Indiana Judicial Conference.

Local Agencies Affected: Allen Circuit Court.

Information Sources: Judge Thomas Felts, Allen Circuit Court.

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